

## REMARKS

Claims 1-14 are pending in the present application. Claim 1 has been amended. Claims 8-14 have been added. Support for the amendment can be found throughout the application, for example, at least at Figs. 2, 5, 7, 8 and ¶¶[0034], [0068]-[0069], [0083], [0098], and [0100]. Claims 1 and 11 are independent claims.

### *Rejections under § 103(a)*

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,151,588 to Tozzoli *et al.* (“Tozzoli”) in view of *Retail Decision and I4 Commerce Form Alliance to Provide the Bill Me Later Payment Option for LiveProcessor Users*, Business Wire (“Business Wire”) and U.S. Patent Publication No. 2003/0132854 to Swan *et al.* (“Swan”). Claim 4 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tozzoli in view of Business Wire and Swan, and further in view of U.S. Patent No. 6,539,360 to Kadaba (“Kadaba”).

The present application relates to providing real-time transaction state of a commodity purchase. Specifically, the present application enables a seller to ship a commodity before confirming payment ***when payment is due upon or prior to delivery of the commodity***. For example, if payment has not been made when the commodity is delivered to the receiver, the receiver may be informed of the amount due at delivery such that the receiver may stand by and set aside a proper amount to pay the delivery agent. On the other hand, if payment is confirmed before the commodity is delivered to the receiver, the system may update the payment state to “paid” such that the receiver is presented from suffering a loss due to duplicate payments (Specification, ¶[0098]).

Tozzoli, Swan and Kadaba do not address shipping a commodity before confirming payment at all. And, Business Wire does not disclose shipping a commodity before confirming payment ***when payment is due upon or prior to delivery of the commodity***, as recited in the independent claims 1 and 11.

Rather, Business Wire bills buyers on a monthly basis. Buyers receive instant purchase approval during checkout process followed by one monthly bill that aggregates all purchases in a month (Business Wire, paragraph 3). Thus, in Business Wire, the payment is

due at month end regardless of when the commodity is delivered. Accordingly, Business Wire fails to address transactions with *payment due upon or prior to delivery of the commodity*, as claimed.

Accordingly, Applicant respectfully submits that independent claims 1 and 11 patentably defines over the asserted references, and that dependent claims 2-10 and 12-14 also patentably define over the asserted references, at least by virtue of their ultimate dependency from patentable independent claims.

### **CONCLUSION**

In view of the above amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of the application and Notice of Allowance for claims 1-14. The Examiner is encouraged to contact Applicant's undersigned representative, Michael Koptiw, at 215-564-8379 if the Examiner cannot allow the claims for any reason.

Date: April 20, 2010

/Michael A. Koptiw/  
Michael A. Koptiw  
Registration No. 57,900

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439